

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

CR 20-50025

Plaintiff,

FACTUAL BASIS STATEMENT

vs.

TYLER WAYNE DEEL,

Defendant.

The undersigned defendant stipulates that the following facts are true and the parties agree they establish a factual basis for the plea in the action pursuant to Federal Rules of Criminal Procedure 11(b)(3):

On September 24, 2018, then-Investigator Brian Freeouf with the Pennington County Sheriff's Office (PCSO), assigned to the South Dakota Internet Crimes Against Children Taskforce (ICAC), received a Cybertip Report (#39416381) from the National Center of Missing and Exploited Children (NCMEC). The report was regarding an unidentified user uploading child pornography to an online site called Tumblr. Tumblr is a microblogging and social networking internet application. The service allows users to post multimedia and other content to a short-form blog. Users can follow other users' blogs. Bloggers can also make their blogs private.

The images identified in this Cybertip were uploaded to Tumblr by a person later identified as Tyler Wayne Deel using his "peelover 1987" Tumblr account. The report indicated Deel uploaded 50 images of child pornography between August 17, 2018, and August 24, 2018. Tumblr determined the files were child pornography based on photo DNA. Tumblr and NCMEC did not view the files. On September 25, 2018, Agent Freeouf viewed the files after obtaining a search warrant for the same. Agent Freeouf determined that 34 of the 50 uploaded images were child pornography.

NCMEC generated a second Cybertip (#40581012) based on the same content but was in reference to upgrading the law enforcement priority of the case. The upgrade was due to some images on the suspect's Facebook page showing he lives with juvenile children. Agent Freeouf then tied the account to several possible houses in Belle Fourche related to Deel.

On November 30, 2018, NCMEC sent a third Cybertip (#41711574). Tumblr submitted the report to NCMEC in reference to a user uploading child pornography to Tumblr. Law enforcement later identified the Tumblr user was Deel using his "pervydad" account. Tumblr included 44 files, the content contained in the report. Tumblr and NCMEC did not view the images, they were located using photo DNA. Agent Freeouf secured the content of the third Cybertip and obtained a search warrant for the contents of the third Cybertip.

Utilizing a forensic tool, Freeouf examined the content associated with several of Deel's Tumblr accounts related to the above-described Cybertip as well

as the images from the Cybertips and found 1030 total images of child pornography. The images include very young children, 4-5 years of age, as well as images of adult penises penetrating young children. In addition, forensics and the Cybertips revealed that Deel distributed images of child pornography via Tumblr in an effort to receive more images of child pornography from other users.

Agents executed a search warrant on January 6, 2020, of Deel's ~~Belle Fourche, South Dakota~~ St. Onge, South Dakota home and seized multiple devices. No illegal images were located on the devices. Agents interviewed Deel and he admitted to downloading and possessing child pornography on a phone he no longer utilized. He also admitted to deleting the images off his device. He also admitted the "peelover" and "pervydad" Tumblr accounts were his. He said he stopped viewing child pornography because he knew it was wrong. Deel admitted he had approximately 300 followers of his Tumblr accounts.

Tumblr only operates on the internet. When a user downloads images from Tumblr, they "receive" the images. When a person knowingly has "followers" on Tumblr and the user has/re-blogs illicit images on that account, that means the user is knowingly distributing images of child pornography.

RONALD A. PARSONS, JR.
United States Attorney

9-8-2020
Date

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9-4-2020
Date

Tyler Wayne Deel
Tyler Wayne Deel
Defendant

9.4.2020
Date

Jennifer Albertson
Jennifer Albertson
Attorney for Defendant